

# Welcome to the Change of Ownership Tutorial



Georgia Department of Early Care and Learning

Bright from the Start: Georgia Department of Early Care and Learning

[www.dec.al.ga.gov](http://www.dec.al.ga.gov)

## Do any of the following apply?

- Are you looking to buy an existing child care business, building, or property that remains in continuous operation?
- Are you looking to move into a vacated child care facility that had a license and begin operation within 30 calendar days of the previous owner moving out?
- Are you the current owner of a child care facility, and have changed the ownership type?
- Have you downloaded and printed/reviewed the rules and regulations for Child Care Learning Centers (found on the website) and the Change of Ownership Applicant's Guide to Licensing?

# A Change of Ownership is required when....

- A new owner buys an existing child care business, building, or property that remains in continuous operation. The transaction is not complete and legal until there has been a closing. (Note: Closing is defined as the legal and financial transaction that transfers ownership from one party to another.)
- A new owner moves into a vacated child care facility that had a license and begins operation within 30 calendar days of the previous owner moving out, it is processed as a change of ownership.
- The current owner of a child care facility changes the ownership type (ex: from Individual to Corporate (Inc. or L.L.C.)), it is processed as a change of ownership.

# What will I learn from this webinar?

- Understand when a Change of Ownership is required.
- Become familiar with the Change of Ownership application process.
- Become familiar with Child Care Rules and Regulations.
- Understand how to prepare for the Initial Licensing Study visit.
- Become familiar with the different divisions within Bright from the Start.

# Bright from the Start Georgia Department of Early Care and Learning is made up of several departments

The departments consists of the following divisions:

- Child Care Services
- Quality Rated
- Nutrition Services
- Federal Programs
  - CAPS
- Georgia's Pre-K Program

## The Process:

Submit the Change of Ownership Application to the Atlanta office



The application will be assigned to an Applicant Services Consultant



The Applicant Services Consultant will assist you through the licensing process

# Things to consider prior to purchasing an existing Child Care Learning Center:

## Center History with the Department

- Licensing Reports can be search through the DECAL website [www.decals.ga.gov](http://www.decals.ga.gov)
- Quality Rated, does the facility have it, will it transfer? Contact: [QualityRated@decals.ga.gov](mailto:QualityRated@decals.ga.gov)
- GA Pre-K status if applicable Contact: [888-4GA-PREK](tel:888-4GA-PREK)

## Facility Approvals

- Zoning
- Fire Marshal Certificate of Occupancy  
(An updated Fire Marshal Inspection, completed within the past 12 months, is also required).
- Building Inspection/Certificate of Occupancy.
- Water and Sewer  
(If available in Department State File records, approvals can be obtained from the Department by submitting an Open Records Request (ORR) on the DECAL website)

**Become familiar with the Department's Rules and Regulations. The facility will be required to meet all current Rule and Regulations prior to becoming licensed.**

# Submitting the Change of Ownership Application



BRIGHT FROM THE START: GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING  
2 Martin Luther King Jr. Drive, SE; Suite 670-East Tower, Atlanta, GA 30334  
[www.decal.ga.gov](http://www.decal.ga.gov)

## LICENSE APPLICATION FOR CHANGE OF OWNERSHIP

**NOTE:** Application to be completed by **NEW** owner.

Application for: (Check one)  
Child Care Learning Center:  License  Commission

Application for: (Check one & provide date)

Request to change owner(s)  Corporation (Legal) name change (Note: check this only if all owners/ legal parties are remaining the same and only the legal name of the entity is changing)

Effective date of ownership change \_\_\_\_\_ (date of legal transaction)

Does the facility have Georgia Lottery funded Pre-K program classroom(s)?  Yes  No  
If the center that you have purchased has GA Lottery funded Pre-K Program classroom(s) and you wish to request continuation, you must also complete a Pre-K Program Change Request addendum.

Does the facility participate in a Nutrition Program?  Yes  No

Does the facility participate in CAPS?  Yes  No

Have you been involved in the operation of (owner/director) of another child care center, family child care learning home, or have an exempt program?  Yes  No

License or Exemption Number: \_\_\_\_\_ Name of Facility: \_\_\_\_\_

Address of Facility (include city, state, zip): \_\_\_\_\_

Have any programs owned by you or a person involved in your corporation had a license revocation occur? If so, what state and what year?  
\_\_\_\_\_

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Submit Application as close to or after closing as possible

# Ensure that correct Ownership Type is selected and all applicable ownership documents are submitted:

A license/commission to operate a Child Care Learning Center is issued to the governing body of the center, meaning the person or entity (corporation, LLC, partnership, board) that owns the center.



|   |   |                                    |
|---|---|------------------------------------|
| <b>Type of Ownership (Check one)</b>  |   | <b>Tax Status (Check one)</b>      |
| <input type="checkbox"/> Sole Proprietor  | <input type="checkbox"/> Corporation/ LLC | <input type="checkbox"/> Profit    |
| <input type="checkbox"/> Partnership  | <input type="checkbox"/> Board-Sponsored  | <input type="checkbox"/> Nonprofit |
| SSN (individual owner/sole proprietor) or EIN # (corporation/LLC)<br>_____                              |   |                                    |
| Corporation/LLC: Submit a copy of corporation papers, i.e. Certificate of Inc./Org., Articles & By-Laws |   |                                    |
| Board-Sponsored: Submit a list of board members & minutes from most recent meeting.                     |   |                                    |

**Applicant/ New Owner Information:**

**Facility Information**

(DBA/Site name; new name, if changing):

|   |                                 |
|---|---------------------------------|
| _____<br>Name of Ownership/Corp.LLC/Board | _____<br>Name of Center         |
| _____<br>Mailing Address                  | _____<br>Site Address           |
| _____<br>City/Zip/County                  | _____<br>City/State/Zip         |
| _____<br>Name of Contact Person           | _____<br>County                 |
| _____<br>Title                            | _____<br>Facility Telephone No. |
| _____<br>Daytime Telephone Number         | _____<br>Facility Fax No.       |
| _____<br>E-mail Address                   |                                 |

**Complete the following:**

Is facility currently operating?  Yes  No (NOTE: If no, operation must resume within 30 days of previous owner suspending operation in order to be considered a change of ownership.)  
Provide former license number and former program name:  
Former License # \_\_\_\_\_  
Former Program Name \_\_\_\_\_  
If no, list date facility stopped operating: \_\_\_\_\_

Corporations (Inc.) or a Limited Liability Company (LLC), submit the following:

- Certificate of Incorporation
- Articles of Incorporation/By-Laws

# Submitting the Change of Ownership Application

|  |  |
|--|--|
| <p><b>Person Legally Responsible and Official Address for all Communications:</b></p> <p>Name _____</p> <p>Street or P.O. Box _____</p> <p>City/State/Zip _____</p> <p>Telephone No. _____</p> <p>Email Address _____</p>  | <p><b>Name and Address of Agent for Service (for corporations &amp; LLCs registered with the Secretary of State) for Facility:</b></p> <p>Name _____</p> <p>Street or P.O. Box _____</p> <p>City/State/Zip _____</p> <p>Email Address _____</p>  |
| <p><b>Exemptions</b><br/>Do you own any exempt childcare facilities in the State of Georgia? <input type="checkbox"/> Yes <input type="checkbox"/> No<br/>If yes, list the official name and address of the exempted program.</p> <p>Name _____</p> <p>Site Address _____</p>  | <p><b>Building Owner</b><br/>Do you own the building in which the program is housed? <input type="checkbox"/> Yes <input type="checkbox"/> No<br/>If no, list the landlord's name and address:</p> <p>Landlord's Name _____</p> <p>Landlord's Mailing Address _____</p> <p>Attach a copy of the current lease agreement, if applicable</p> |
| <p><b>Schedule:</b><br/>Months of Operation: _____</p> <p>Days of Operation: _____</p> <p>Hours of Operation: _____</p>  | <p><b>Age Range of Children to be Served:</b></p> <p>From _____</p> <p>To _____</p>  |
| <p><b>Check all services that apply:</b></p> <p><input type="checkbox"/> Infants &amp; Toddlers (Ages 0-2) <input type="checkbox"/> School-age summer care <input type="checkbox"/> Special Needs <input type="checkbox"/> CACFP</p> <p><input type="checkbox"/> Preschoolers (ages 3-4) <input type="checkbox"/> Evening Care <input type="checkbox"/> Transportation-field trips <input type="checkbox"/> Drop-in care</p> <p><input type="checkbox"/> School Age (Ages 5+) <input type="checkbox"/> Night Care <input type="checkbox"/> Transportation-school <input type="checkbox"/> Accepts Subsidies</p> <p><input type="checkbox"/> School Age Only <input type="checkbox"/> Mildly Ill Care <input type="checkbox"/> Transportation-home <input type="checkbox"/> Other</p> |  |
| <p><b>Facility/ Site Director:</b></p> <p>Name: _____</p> <p>Date of birth _____ SSN _____</p> <p>Preliminary criminal records check results are attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Criminal Records Check Application/Fingerprints submitted on _____ (Date)</p>   |  |

# Submitting the Change of Ownership Application

- \_\_\_ Documentation of Transfer of Ownership (signed lease agreement and or purchase agreement)
- \_\_\_ Completed/notarized Buyer/Seller Agreement
- \_\_\_ Secretary of State Information and Articles of Incorporation
- \_\_\_ Completed Citizenship Affidavit and Verifiable Identification
- \_\_\_ Staff Profile Sheet
- \_\_\_ Operation Plan and Checklist

Upon receipt and review of a completed application, a child care consultant will conduct an inspection of the center. This inspection includes an assessment of compliance with Rules and Regulations for Child Care Learning Centers to include an evaluation of the physical plant, staffing, records, and services.

REVIEW

- A. I/We will ensure that the center adheres to all licensing requirements.
- B. I/We understand that a license to operate a center is not transferable to another individual or location.
- C. I/We understand that the issuance of a new license may be denied for failure to comply with licensing requirements.
- D. I/We understand that the center is subject to unannounced inspections by Bright from the Start: Georgia Department of Early Care and Learning at any time during operating hours.
- E. I/We assume responsibility for conducting the affairs of the center herein described and for meeting all applicable regulations.
- F. I/We understand that remodeling or modification to the center requires a plan review by Bright from the Start: Georgia Department of Early Care and Learning before new construction, alterations, or additions can begin.
- G. I/We understand that rule violations, which are determined by Bright from the Start: Georgia Department of Early Care and Learning to endanger the health and/or safety of children in care or failure to maintain compliance with rules and regulations may result in adverse actions by Bright from the Start.
- H. I am/We are responsible for compliance with the rules and regulations as set forth in the rules and regulations for Child Care Learning Centers, Chapter\_591-1-1. I/We understand that rule violations which are determined by Bright From the Start: Georgia Department of Early Care and Learning to endanger the health and/or safety of children in care or failure to maintain compliance with rules and regulations may subject me/us to civil penalties of up to \$500 per violation for each day for each.
- I. I/We understand that, if incorporated, I am required to retain an attorney to represent the corporation in any appeal or other litigation scheduled to be heard before the Office of State Administrative Hearings or any other judicial body. "(O)nly a licensed attorney is authorized to represent a corporation in a proceeding in a court of record, including any proceeding that may be transferred to a court of record from a court not of record." *Eckles d/b/a/ Atlanta Technology Group v. Atlanta Technology Group, Inc.*, 267 GA. 801 (1977). See also Office of State Administrative Hearings Administrative Rules of Procedure, Ga. Comp. R & Regs. 616-1-2-.34(1).
- J. I/We understand that, pursuant to O.C.G.A. § 49-5-12(t), Bright from the Start: Georgia Department of Early Care and Learning recommends that all child care providers licensed or registered by the Department maintain insurance coverage sufficient to protect the provider's clients. I understand that if I

REVIEW

# Submitting the Change of Ownership Application

do not maintain liability insurance, I will have to notify parents, obtain a written acknowledgment from parents, and post a notice at the child care facility stating that I do not maintain liability insurance.

K. I/We understand that failure to comply with the regulations may result in denial or revocation of the license to operate the facility.

L. I/We declare there have been no license/registration revocation proceedings initiated against me/us within one year of the date of this application.

NOTE: For facilities serving CAPS recipients, please note that scholarships are not transferrable to the new facility. In the case of ownership changes, new scholarships must be issued for the new owner to claim reimbursement. Please reference CAPS policy 10.4.1.2. Contact CAPS Support at 1-833-4GA-CAPS or 1-833-442-2277 for questions. \*Providers serving CAPS families must be Quality Rated by 2020.\*

False or misleading statements made on any part of the application shall void this application and lead to the denial or revocation of a license issued on the basis thereof. I/We hereby apply for a license. I/We understand and agree to the above statements and agree to submit a copy of the bill of sale.

\_\_\_\_\_

Corporation/LLC name or Signature of owner (If Private owner or Partnership)      Signature of Director (if different)

\_\_\_\_\_

Signature of Board Chairman /President/CEO      Title

\_\_\_\_\_

Date



# Required documents for a Change of Ownership

- A Completed Change of Ownership Application
- Signed Lease and/or Purchase Agreement
- Secretary of State Documents (if applicable)
- A completed buyer/seller agreement
- An Affidavit for Lawful Presence Verification form with verifiable documents. Staff Profile form
- Floor and Site Plans (if not available in Department State Files).
- Operation Plan and completed Operation Plan Checklist (See Change of Ownership Applicant's Guide).
- Emergency Response Plan (see DECAL website – Child Care Center Forms).
- Statement of Understanding
- Disclosure Form
- Criminal Records Check Acknowledgement Form
- Director's Credential (i.e., copy of Degree, CDA, etc.) and 10-year work history form.
- Lead Teacher Staff Credentials (applicable to Lead Staff employed with previous owner).
- Satisfactory Criminal Records Checks from Gemalto/Cogent

# Buyer Seller Agreement



Georgia Department of Early Care and Learning

## Buyer/Seller Agreement

This form must be completed by the seller and the buyer and must be notarized.

I, \_\_\_\_\_, owner of \_\_\_\_\_,  
(Name of Current Owner) (Name of Child Care Business)  
located at \_\_\_\_\_, agree to sell  
(Street Address, City, State, Zip Code)  
\_\_\_\_\_ to \_\_\_\_\_.  
(Name of Child Care Facility and ID#) (Name of Buyer)

The owner agrees that the date of sale/purchase will be on or after

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Current Owner

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_, 20\_\_.

I \_\_\_\_\_, agree to purchase \_\_\_\_\_,  
(Name of Buyer) (Name of Child Care Facility and ID#)

located at \_\_\_\_\_,  
(Street Address, City, State, Zip Code)

The buyer agrees that the date of sale/purchase will be on or after

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Buyer

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_, 20\_\_.

# Affidavit for Lawful Presence Verification



Bright from the Start: Georgia Department of Early Care and Learning  
2 Martin Luther King Jr. Drive SE, 754 East Tower, Atlanta, Georgia 30334  
O.C.G.A. § 50-36-1(e)(2) Affidavit For Lawful Presence Verification

License Number \_\_\_\_\_  
Facility Name \_\_\_\_\_  
Facility Address \_\_\_\_\_  
Facility Owner \_\_\_\_\_

By completing this affidavit under oath, as an applicant for the license or registration listed below, as referenced in O.C.G.A. Sec. 50-36-1, I \_\_\_\_\_

[printed name of person]

verify one of the following with respect to my application for a public benefit from Bright from the Start: Georgia Department of Early Care and Learning, as referenced in O.C.G.A. Sec. 50-36-1:

- 1) \_\_\_\_\_ I am a United States citizen 18 years of age or older. Submit a legible front and back copy of your current secure and verifiable document(s) such as a driver's license, passport, military ID or other document as listed below.
- 2) \_\_\_\_\_ I am a legal permanent resident of the United States, 18 years of age or older. Submit a legible front and back copy of your current secure and verifiable document(s) such as a driver's license, passport, military ID or other document as listed below.
- 3) \_\_\_\_\_ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, 18 years of age or older, with an alien number issued by the Department of Homeland Security or other federal immigration agency. Submit a legible front and back copy of secure and verifiable document from the list below that includes your alien number.  
My alien number issued by the Department of Homeland Security or other federal immigration agency is: \_\_\_\_\_ (Required)

I also verify I have provided at least one secure and verifiable document, as required by O.C.G.A. Sec. 50-36-1(e)(1), with this affidavit. The secure and verifiable document I have provided with this affidavit is: \_\_\_\_\_ (Identify the document, such as driver's license, Temporary Resident Card, passport, etc).

In providing the above information under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Georgia law, O.C.G.A. Sec. 16-10-20, and face criminal penalties as allowed by such criminal statute.

Completed in \_\_\_\_\_ (city), \_\_\_\_\_ (state).

\_\_\_\_\_  
Signature of Applicant Printed Name of Applicant

Mailing Address: \_\_\_\_\_  
Street or P.O. Box City State Zip

Contact Phone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC My Commission Expires: \_\_\_\_\_

## Permit Facts

- A Permit or Temporary License must be issued to the new owner in order to continue to operate.
- A facility can bill for Childcare and Parent Services (CAPS) once the Permit or Temporary License is issued.
- The Permit is effective for 21 calendar days before expiration. Within the 21-day Permit time frame, all documents required to complete the Change of Ownership Application must be submitted, and the Initial Licensing Study visit will be scheduled and conducted.

## Licensing Fee

- License fee is due upon issuance of the Permit. The Center will be notified via email from the Department, stating that the License Fee is now due. The Center is required to pay the License Fee within 30 business days of the issuance of the Permit.
- Payment of the Licensing Fee is not the end of the Change of Ownership Process. The Center will continue to operate under the Permit, until the on-site Initial Licensing Study visit has been conducted and the Center receives their Renewable or Temporary License.

## Licensing Fee

| Facility Capacity  | Fee Amount |
|--|------------|
| Less than 25 children  | \$50       |
| 26-50 children   | \$100      |
| 51-100 children  | \$150      |
| 101-200 children   | \$200      |
| More than 200 children<br><br>(Note: License fees are non-refundable and are based on <b>licensed capacity</b> ) | \$250      |

- License Fees are due upon issuance of the Permit.
- They are due on an annual basis

# Preparing for the Initial Licensing Study Visit

## \*Review the Rules\*

Rules and Regulations for Child Care Learning Centers (CCLC) can be found at the DECAL website

<http://www.decal.ga.gov/CCS/RulesAndRegulations.aspx>

Please contact the Applicant Services Unit with any questions. The contact information is listed below.

## Contact Us:

Bright from the Start: Georgia Department of  
Early Care and Learning  
Applicant Services Unit  
2 Martin Luther King Jr. Drive, SE  
Suite 670, East Tower  
Atlanta, GA 30334  
404-657-5562  
[applicantsservicesunit@dec.al.ga.gov](mailto:applicantsservicesunit@dec.al.ga.gov)